

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

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10 Attorneys for Plaintiff  
11 FRANK CARSON

12 UNITED STATES DISTRICT COURT  
13  
14 EASTERN DISTRICT OF CALIFORNIA

15 FRANK CARSON,

16 Plaintiffs,

17 vs.

18 COUNTY OF STANISLAUS, CITY OF  
19 MODESTO, CITY OF CERES, BIRGIT  
20 FLADAGER, MARLISSA FERREIRA,  
21 DAVID HARRIS; KIRK BUNCH, STEVE  
22 JACOBSON, JON EVERS, DEREK  
23 PERRY, CORY BROWN, and DOES 1-25,  
24 inclusive,

25 Defendants.

Case No. 1:20-CV-00747-TLN-BAM

**STIPULATION AND ORDER TO  
RESCHEDULE HEARING  
REGARDING DEFENDANT COUNTY  
OF STANISLAUS' MOTION TO  
DISMISS**

1 Plaintiff FRANK CARSON (“Plaintiff”) and defendants COUNTY OF STANISLAUS,  
2 (“Defendants”) through their respective counsel, hereby agree and stipulate as follows:

3 1. WHEREAS Plaintiff filed the complaint [Document 1] in this action on May 28,  
4 2020.

5 2. WHEREAS Plaintiff Defendants County of Stanislaus, Birgit Fladager, Marlissa  
6 Ferreira, David Harris, Kirk Bunch, Steve Jacobson, and Cory Brown filed a Motion to Dismiss  
7 Plaintiff’s Complaint [Document 13] on September 1, 2020. The hearing date for the motion is  
8 set for October 29, 2020 at 2:00 p.m. in Courtroom 2 (TLN) before District Judge Troy L.  
9 Nunley.

10 3. WHEREAS Defendants City of Modest and Jon Evers filed a Rule(b)(6) Motion  
11 to Dismiss the First Amended Complaint (incorrectly titled) [Document 16] on September 29,  
12 2020. The hearing date for the motion is set for December 3, 2020 at 2:00 p.m. in Courtroom 2  
13 (TLN) before District Judge Troy L. Nunley.

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4. WHEREAS Plaintiff and Defendants County of Stanislaus, Birgit Fladager, Marliissa Ferriera, David Harris, Kirk Bunch, Steve Jacobsen and Cory Brown have agreed that it would be more convenient for the court to hear both motions on the same day and hereby stipulate to have County of Stanislas' Motion to Dismiss heard on the same day as City of Modesto's Motion to Dismiss. It is therefore stipulated and agreed that both motions can be heard by the court on December 3, 2020 at 2:00 p.m. in Courtroom 2. Pursuant to local rules, opposition will be due November 19, 2020 and replies will be due November 26, 2020.

DATE: October 14, 2020

GWILLIAM, IVARY, CHIOSSO, CAVALLI &amp; BREWER

/s/

J. Gary Gwilliam  
Randall E. Strauss  
Jayme L. Walker  
Attorneys for Plaintiff  
FRANK CARSON

DATE: October 14, 2020

MEYERS NAVE RIBACK SILVER &amp; WILSON

/s/

John R. Whitefleet  
Attorneys for Defendants  
COUNTY OF STANISLAUS, BIRGIT FLADAGER,  
MARLISSA FERRIERA, DAVID HARRIS, KIRK  
BUNCH, STEVE JACOBSEN, CORY BROWN

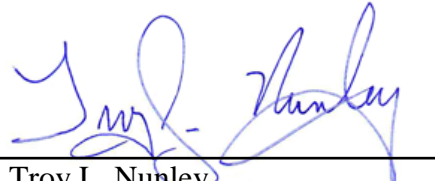
**ORDER**

IT IS SO ORDERED.

1. Pursuant to the Parties' stipulation, Defendants County of Stanislaus, Birgit Fladager, Marliisa Ferriera, David Harris, Kirk Bunch, Steve Jacobsen and Cory Brown's Motion to Dismiss will be heard at the same time as the other Defendants City of Modesto and Jon Evers' Motion to Dismiss on December 3, 2020 at 2:00 pm.

2. Oppositions due November 19, 2020 and replies due November 26, 2020

Dated: October 14, 2020

  
Troy L. Nunley  
United States District Judge